

Hearing Date:  
January 4, 2001  
at 10:00 a.m.  
FIRM ID # 11-3149308

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

RANDALL'S ISLAND FAMILY GOLF  
CENTERS, INC., et al.,  
  
Debtors.

Chapter 11  
Case Nos. 00 B 41065 (SMB)  
through 00 B 41196 (SMB)  
(Jointly Administered)

**AFFIRMATION IN OPPOSITION**

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MARC A. PERGAMENT, duly affirms under penalties of perjury as follows:

1. I am an attorney admitted to practice law in the United States Court of Appeals for the Second Circuit and the United States District Court for the Eastern and Southern Districts of New York and am a member of Weinberg, Kaley, Gross & Pergament, L.L.P., attorneys for landlord, Jandell Realty Inc. ("Jandell").

2. This affirmation is submitted in opposition to the Debtors' motion for an order pursuant to §365(d)(4) of Title 11 of the United States Code extending the time in which the Debtors must elect to assume or reject each of their unexpired leases of non-residential real property. Jandell is the owner of the real property known as 40 Underhill Boulevard, Syosset, New York ("the Premises" or "NY32"). Jandell opposes the Debtors' motion for two main reasons. First, despite the representation made by the Debtors that the Debtors are continuing to make the required post-petition rental payments, that is not the case with respect to the Premises.

3. On December 18, 2000 a demand for payment of insurance costs was made upon the Debtors and counsel and as of this date, that demand has been totally ignored by the

Debtors. A copy of the demand of payment for administrative expense is annexed hereto as Exhibit “A.”

4. There is no excuse for the Debtors to ignore their obligations under the lease, which include payment of all necessary insurance costs. The inability of the Debtors to pay that sum may be indicative of the Debtors’ inability to successfully move forward with their Chapter 11 cases.

5. Further, the Debtors filed their petition on May 4, 2000. The Debtors have made minimal efforts in moving towards a successful confirmation of this case as the only claim that they have moved forward is the fact that the Debtors recently rejected 14 leases and moved to assume and assign 7 additional leases. Considering the amount of leases in issue, and considering the total upheaval in the Debtors’ management as conceded by the Debtors in their motion, it is unlikely that these Debtors would be able to propose a Plan of Reorganization that will result in a confirmation in the near future.

6. The Debtors’ motion contained conclusory claims that the Debtors are entitled to the extension of an additional significant period of time, without any factual analysis or information that will permit this Court or their creditors to determine if the Debtors are truly moving forward to a successful confirmation. The fact that this case “involves a large number of leases” or that the new management team “needs more time to analyze its leases” is not evidence nor does it satisfy the Debtors’ burden necessary for further extension of the time to assume or reject non-residential leases for real property.

7. The Debtors have had nearly 8 months to formulate a plan and no real progress has been made.

8. Coupled with the Debtors' failure to pay the required post-petition obligations under its lease with Jandell, and possibly with other landlords, should result in this Court's denial of the Debtors' motion.

9. I respectfully request that this Court waive the requirement of the filing of a memorandum of law as no novel issue of law is presented with respect to the issues herein.

WHEREFORE, Jandell Realty, Inc. respectfully requests that this Honorable Court deny the Debtors' motion to extend their time to assume or reject the lease for the real property known as 40 Underhill Boulevard, Syosset, New York, and such other and further relief as this Court deems just and proper.

Dated: Garden City, New York  
December 26, 2000

/s/ \_\_\_\_\_  
MARC A. PERGAMENT (MP-6183)

Re: Randall's Island Family Golf  
Centers, Inc. et al.  
Case Nos. 00 B 41065 (SMB) through  
Case No. 00 B 41196 (SMB)

COLLEEN CASABIANCA, being duly sworn, deposes and says:

That on the 28th day of December, 2000, I served the within **AFFIRMATION IN OPPOSITION** upon the following parties at their following respective addresses, by depositing a true copy of the same enclosed in a post-paid, properly addressed envelope, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

Berlack, Israels & Liberman, L.L.P.  
120 West 45th Street  
New York, New York 10036  
Attn: Erica Ryland, Esq.

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/s/ Loretta Esposito

NOTARY PUBLIC

Commission Expires May 20, 2002